United Nations A/HRC/25/NGO/76

General Assembly

Distr.: General
25 February 2014

English only

Human Rights Council
Twenty-fifth session
Agenda item 10
Technical assistance and capacity-building

Joint written statement* submitted by Femmes Afrique Solidarité, the Women's International League for Peace and Freedom, the World Young Women's Christian Association, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11425
1411425

Please recycle

Preventing sexual violence in DRC by addressing its multiple factors

Femmes Africa Solidarité (FAS), Women's International League for Peace and Freedom (WILPF) and World Young Women Christian Association (World YWCA) submit this joint-statement expressing concern that the incidence of sexual and gender based violence, perpetrated in the Democratic Republic of the Congo (DRC), remains alarmingly high. Especially in the eastern part of the country, mass rapes, sexual violence and sexual slavery are used as a weapon of war by the Armed Forces of the DRC and armed groups to intimidate the population and to force it into subjugation. However, civilians are also responsible for these crimes, as stated in the Report of the Panel on Remedies and Reparations for Victims of Sexual Violence in the Democratic Republic of Congo to the High Commissioner for Human Rights (HCHR): *"widespread sexual violence perpetrated with impunity by illegal armed groups as well as national security forces has led to a widely noted increase in sexual violence perpetrated by civilians as a result of war"*.

Despite the existence of institutional, policy and legal frameworks and the efforts of the Government of the DRC, supported by the African Union, the United Nations, the international community and civil society organizations, in particular women's groups, sexual and gender based violence continues to occur in the country causing death, large-scale displacement and distress among the civilian population, particularly amongst women and children, thus representing the main challenge for sustainable peace, security and the development of the country and the region.

In this regard, we welcome the decision of the Human Rights Council to hold, at its twenty-fifth session, a high-level dialogue on the lessons learned and the continuing challenges in combating sexual violence in the DRC and we would like to contribute to this dialogue with Member States by sharing our strong experience in women, peace and security to end violence against women and girls in DRC.

The spreading of sexual violence against women has been so strong that it has raised the concerns of various UN bodies, such as the CEDAW Committee and the HCHR, who convened a special panel of experts in 2010 who conducted a mission in the country with the objective of understanding the issue from the perspective of victims.

As HRC resolution 19/48 points out, *"Apart from strengthening State responses to cases of sexual violence, the root causes must be addressed, notably women's precarious and disadvantaged socio-economic position in Congolese society"*, gender inequality in particular in state decision-making power, economic dependency, political underrepresentation, uncontrolled small arms flow, insecurity and impunity. The dangers of the conflict situation is exacerbated by pre-existing conditions of poverty and illiteracy amongst young women, as well as young women's economic dependence, insecurity, lack of access to community infrastructure and related services. Only by adopting a holistic approach will it be possible to effectively prevent sexual violence. For instance, a socio-economic factor such as the lack of water pumps in villages compels women to walk long distances to bring water home and puts them at a great risk of being attacked. Furthermore, small arms are today widely available not only to armed groups, but also to civilians. According to sexual violence survivors, perpetrators used the threat of weapons to intimidate them.

Sexual violence is today an "effective" tactic of war because of the stigmatisation of raped women. If rape were considered as other kinds of torture and rape survivors were respected by society as survivors of torture are, this tactic would not be as destructive for the community. As affirmed by the Panel of 2010, *"Shifting the stigma from the victims to the perpetrators would have a great impact on the ability of victims to reclaim their dignity and rebuild their lives"*.

An appropriate prevention policy will need to integrate and address all these negative factors at the same time, combat negative gender stereotypes, contribute to women's participation and to their economic empowerment, reduce the uncontrolled flow of small arms, combat stigmatisation and end impunity. In addition, survivors of conflict-related sexual violence also need access to psychosocial services, social support, legal redress and other economic initiatives to strengthen women's agency and ability to take charge of their lives. Finally there's an urgent need to strengthen preventive and early warning mechanisms to protect women's rights during conflict. The multiple factors that contribute to the persistence of sexual violence were acknowledged in HRC Resolution A/HRC/RES/23/7.

Women are often mentioned solely as victims and the important role that women and young women can play in ending impunity for crimes of sexual violence is often ignored. The participation of women and gender experts in conflict resolution, decision taking instances and in all policy elaborations reduces the levels of impunity, in particular for sexual violence, and facilitates access to justice.

In this regard, we appreciate the commitment made by governments of the Great Lakes region during the Bujumbura Conference in July 2013 to support the grassroots women for the implementation of the Regional Action Plan on the implementation of UNSCR 1325 in Burundi, DRC and Rwanda.

However, we would like to highlight the lack of full implementation of United Nations Security Council Resolutions (UNSCR) 1325, 1820, 1888, 1889 and 2016 for peace, security and development in the DRC and the Great Lakes region and we call for the inclusion of women in peace, mediation, negotiation processes.

In the context of the HRC high level dialogue on challenges in combating sexual violence in the DRC, FAS, WILPF and World YWCA would like to express their concern that there were no recommendations specifically on UNSCR 1325, nor on young women's participation in the peace process in the previous UPR review. In conclusion, we recommend that the following UPR (I) and CEDAW (II) recommendations be reconsidered:

I.

- Effectively implement the 2006 law on sexual violence and the "zero tolerance policy"
- Ensure the effective investigation, including allegations of rape being used as a weapon of war, and prosecution of perpetrators of sexual violence, including FARDC soldiers, without exception and without regard to rank
- Strengthen efforts to combat impunity of all forms of violence against women

II.

- Prevent gender-based violence, in particular sexual violence, by State and non-State actors in conflict-affected areas; ensure the protection of civilians, including women, in cooperation with the MONUSCO; conduct gender-sensitive training and adopt codes of conduct for the police and the military, and provide training for psychologists and health professionals;
- Prioritize the fight against impunity for sexual violence in conflict-affected areas; promptly complete effective and independent investigations into the violations of women's rights by the Congolese army (FARDC) and other armed groups, and prosecute the perpetrators of such acts, including those who have command responsibility;
- Establish a human rights based vetting system that will ensure that no perpetrators of human rights violations, including human rights violations of women, will be maintained in the Army and the Police or be integrated in the army, especially during peace negotiations with armed groups;
- Ensure the effective implementation of the National Action Plan for the Implementation of Security Council Resolution 1325; establish a comprehensive national policy to provide adequate reparations to victims of sexual crimes;
- Ensure the effective regulation of the arms trade, control the circulation of illicit small arms; and consider ratifying the 2013 Arms Trade Treaty;
- Significantly enhance the inclusion and representation of women in peace negotiations and also ensure their representation in provincial security committees;
- Ensure effective implementation of Security Council Resolution 2098